

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

EDDIE LEE JINKS,

Petitioner,

v.

WARDEN DENNIS BROWN,

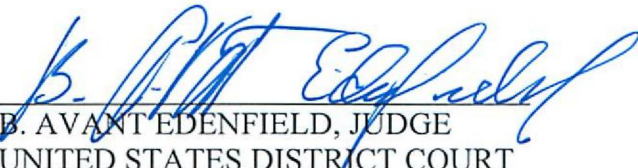
Respondent.

6:13-cv-106

ORDER

Petitioner Eddie Lee Jinks has filed a Motion for A New Trial, ECF No. 16, in which he invokes Federal Rule of Civil Procedural 59 and “attempts to show new facts of findings [sic].” However, Mr. Jinks never had a trial on his underlying 28 U.S.C. § 2254 habeas motion; rather, this Court adopted the Magistrate Judge’s Report and Recommendations (R&R) dismissing the claim as untimely. ECF Nos. 11; 14. Even if the Court construed his motion for a new trial as another habeas petition, the Antiterrorism and Effective Death Penalty Act would not allow him to file it without first seeking leave from the Court of Appeals. 28 U.S.C. § 2244(3)(A). The Motion for a New Trial is therefore ***DENIED***.

The 27 day of May, 2014


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA